

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Kimberly Hill,

Plaintiff,

vs.

City of Dayton, et al.,

Defendant.

Case No.: 3:17-cv-334

Judge: Thomas M. Rose

Magistrate Judge: Michael Merz

AFFIDAVIT OF KIMBERLY HILL

I, Kimberly Hill, hereby declare, under penalty of perjury, the following:

1. I have personal knowledge of all information contained in this affidavit and I am competent to testify to all the facts contained in this affidavit and to testify to all matters stated herein.
2. Attached to my Memorandum in Opposition to the Summary Judgment Motion filed by Defendants in this matter are emails I provided to my counsel. These emails are identified as Exhibits 1, and Exhibits 16 – 27. I hereby certify that these emails represent true and accurate copies of emails that were sent to me or from me in the course and scope of my employment with the City of Dayton. These emails have not been altered in any way, other than to redact the names of non-related parties that are mentioned in the emails, in order to protect their privacy.
3. I am currently a Lieutenant with the City of Dayton Police Department, and I was previously employed as a Commander of the Professional Standard Bureau (“PSB”) from 2013 to 2018.

4. I am the first and only African American female Lieutenant in the history of the Dayton Police Department.
5. The Dayton Police Department is a paramilitary organization, which means that it is organized like a military force. The proper chain of command is very important and must always be followed. Titles and duties are expressly adhered to and should not be changed without the property authority to do so.
6. I did not take on the PSB Commander role as a “token” black, or as a “token” female. I took on the role to make real changes in the police department considering the poor relationship I had noticed between the DPD and its citizens, especially African American citizens.
7. In the first part of my tenure at the PSB, I sent numerous emails to my supervisors, Lt. Colonel Mark Ecton and Chief Richard Biehl, about changes that I wanted to see happen in the PSB. Some of these emails are presented as evidence in the Memorandum filed by my counsel as Exhibits 16 – 24 attached to the Memorandum.
8. Soon after taking on the role as PSB Commander, I noticed that two of my subordinates, Sergeant Rike and Sergeant Reboulet, were actively trying to sabotage my position as Commander by disobeying the chain of command and by actively ignoring my requests for them to perform job functions or my requests to make changes to how citizen complaints were investigated.
9. On September 8, 2015, I authored an email to Lt. Colonel Ecton and to Chief Biehl. It is attached as Exhibit 22 to my Memorandum in Opposition to Defendants

Motion for Summary Judgment. In the email, I thoroughly explained my issues with how I was being received in the PSB.

10. Subsequent to the September 8, 2015 email, I spoke to Lt. Colonel Ecton directly about my issues. I specially mentioned to him that I felt that I was being treated differently because of my race and/or because of my sex.
11. Ecton did nothing to rectify the situation, other than to point me in the direction of a few “leadership” books I should read, and to tell me to handle the problem myself.
12. I followed up with Lt. Colonel Ecton numerous times and he failed to address the issue and failed to address Sergeants Rike and Reboulet in any manner.
13. In March 2016, I took a couple weeks off work for personal reasons. Lt. Colonel Ecton issued a memo stating that Sergeant Rike would be appointed as the acting PSB Commander effective March 21, 2016. Ecton did not put an end date to this appointment.
14. Normally, when a Commander is out of the office, the Command Staff will appoint an acting commander, but this is always a time-limited appointment. This time, Ecton failed to add a time-limit to the appointment. The notice I received from Ecton regarding this appointment is attached as Exhibit 27 to my Memorandum in Opposition to Defendant’s Motion for Summary Judgment.
15. On Wednesday, March 29, 2016, I sent a text message to Lt. Colonel Ecton. I directly expressed my concern to him that I felt that I was a “token.” Attached hereto as Exhibit A is a true and accurate screen shot of this text message.
16. Immediately after the text message sent on March 29, 2016, I spoke to Ecton directly on his cell phone, as he directed. I explained to him that I was having

trouble exerting my authority in the PSB, that the Sergeants under me were opposing my authority, that I felt stressed and felt like my career was being sabotaged.

17. I told Ecton that I felt like a “token” because the Police Department had given me the role of Commander of the PSB, but I did not have any authority in that role because Sergeants Rike and Reboulet still appeared to be in control and had no desire to relinquish control to me.

18. Ecton reiterated again that I should read some leadership books or try talking to Sergeants Rike and Reboulet on my own.

19. Soon after the text message with Ecton, I received notice of the posting of the Major position. In the position, the qualifications for Major were different than the qualifications for Major when the position was posted in 2012.

20. I felt that the qualifications were changed to exclude me from applying, and I filed two charges with the Ohio Civil Rights Commission shortly thereafter in May 2016.

I declare under penalty of perjury that the foregoing is true and correct.


Kimberly Hill

Subscribed and Sworn before me this 24 day of May 2019.


Notary Public

Commission Expiration Date: N/A

EXHIBIT A

